

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

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| United States of America, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| VS. |) | CASE NO. 3:11-CR-00341 |
| |) | |
| |) | |
| Reginald Belle, |) | |
| |) | |
| Defendant |) | |
| |) | |
| |) | |
| |) | |

**TRANSCRIPT OF PROCEEDINGS - GUILTY PLEA & SENTENCING
BEFORE THE HONORABLE RICHARD P. CONABOY
WEDNESDAY, FEBRUARY 15, 2012
SCRANTON, PENNSYLVANIA**

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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**DIANA GILBRIDE, RMR, FCRR
FEDERAL OFFICIAL COURT REPORTER
P.O. BOX G
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1 (11:00 a.m., convene.)

2 THE COURT: Good morning everybody. Thank you all
3 for being here. Let the record reflect, if you will please,
4 that today is the date and time set for the entry of a plea
5 and the imposition of sentence in this case of United States of
6 America versus Reginald Belle, B-E-L-L-E, and it's Criminal
7 Number 11-341. You are Mr. Reginald Belle, is that correct,
8 sir?

9 DEFT. BELLE: Yes, your Honor.

10 THE COURT: And Mr. Belle, you're represented by
11 Attorney Leo Latella, who is here with you this morning, is
12 that also correct?

13 DEFT. BELLE: Yeah.

14 THE COURT: All right. We'll let the record reflect
15 that the Defendant Reginald Belle is present in the courtroom
16 this morning with his attorney, Attorney Leo Latella. And the
17 United States Government is represented this morning by
18 Assistant United States Attorney John Gurganus, Junior.

19 Mr. Belle, I want to direct my initial remarks to
20 you. I want you to be careful to listen to everything we say
21 here this morning, because whether it's your lawyer or the
22 government's lawyer or me talking, we'll be talking about you.
23 Because this is the day that you're to enter the plea of guilty
24 and the date that you're to be sentenced on the offense that
25 you committed. So all of the discussion this morning will be

1 about you. And then as we go along I will ask the government
2 if the government has any comment on what sentence should be
3 imposed, and I will also be asking your attorney to make any
4 comment if he wished to do so.

5 I'm also informed -- and any one of you can correct
6 me if I'm wrong on this -- while the defendant intends to enter
7 a plea to the offense to having committed the offense of
8 assault with a dangerous weapon, that there's been an agreement
9 between the government and the defendant in this case pursuant
10 to Federal Rule of Criminal Procedure 11(c)(1)(C). And by
11 virtue of that agreement there's a specific sentence of 20
12 months of imprisonment to be entered in this case.

13 In the course of the hearing this morning, Mr. Belle,
14 I'll be explaining to you that the Sentencing Guidelines which
15 are in effect in the United States today makes specific
16 findings as to what numbers should be attached to the crime you
17 committed and what mathematical numbers are attached to your
18 background. And when those two numbers are taken together
19 there's a recommendation from the United States Sentencing
20 Commission that we should impose a certain sentence within a
21 certain range.

22 There's also a Rule of Criminal Procedure No.
23 11(c)(1)(C), and under that Rule you're allowed to enter into
24 an agreement with the government that provides for a specific
25 sentence to be imposed in your case. And you've entered into

1 that agreement today. And I want to tell you that I will
2 approve that agreement, and I will be bound by it, and I will
3 impose that sentence upon you, but I want to explain to you all
4 of these other details that are involved in your case also as
5 we go along.

6 Now, I also understand that it's your desire to enter
7 a plea of guilty to this charge of having committed the crime
8 of assault with a dangerous weapon. And I understand that
9 you've agreed that I can impose a sentence upon you this
10 morning, and I've already received from the probation office
11 this presentence report, which gives me a whole outline of your
12 complete background about you and the offense, as well -- the
13 offense you committed and your own background, so I'm
14 completely aware of all of that and I've been made aware of it
15 by the probation office.

16 It's my intention to proceed to tell you what your
17 rights are as a defendant who has been charged with a criminal
18 offense. And then I want to ask you some questions about
19 yourself to make sure you know what you're doing this morning
20 and that you're doing it freely and without anybody forcing you
21 or using any force of any kind against you to make you enter a
22 plea.

23 So, I will proceed to tell you, Mr. Belle, that in
24 your case there has been filed by the government what's known
25 as an information. And that criminal information was filed by

1 the government and charges that you, on or about April the 3rd
2 of 2011, in Wayne County, while you were a prisoner and inmate
3 at the penitentiary -- United States Penitentiary at Canaan,
4 Pennsylvania, committed this assault with a dangerous weapon on
5 another inmate. And that's the crime that you're charged with.

6 I mention that to you this morning because the charge
7 against you is contained in what's known as an information. It
8 is not an indictment. This has not been presented to a grand
9 jury. But you do have a right to have that charge presented to
10 a grand jury. And that group of people on that jury would have
11 to determine after hearing the government's side of the case
12 whether or not that grand jury feels they have enough -- the
13 government has enough information to charge you with this
14 offense.

15 Now, that hasn't been done in this case. And I
16 understand you want to waive that right to have it done and you
17 want to plead to this information that is a document that has
18 been filed by the government, is that correct?

19 DEFT. BELLE: That's correct.

20 THE COURT: And do you understand you have the right
21 to have it presented to a grand jury if you so desire?

22 DEFT. BELLE: Yes, I do.

23 THE COURT: And is it your desire to give up that
24 right and to plead guilty to this information?

25 DEFT. BELLE: Yes, it is.

1 THE COURT: All right. Now, let me tell you then the
2 few other rights that you have Mr. Belle, and these are all
3 very serious matters, and just because you're charged with an
4 offense in indictment -- or in an information by the government
5 does not mean that you are guilty of that offense. And the law
6 in the United States says that every citizen has a right to be
7 considered innocent. There is against you what's known as a
8 presumption -- or in your favor a presumption of innocence.
9 And because you're presumed to be innocent, a lot of other
10 rights fall from that that you have.

11 Now, when you plead guilty you give up all those
12 rights. So you have a right in this case instead of pleading
13 guilty to go to a trial.

14 And you have a right with the assistance of a lawyer
15 to choose the people who will make up the jury who will hear
16 your case. And you have a right to see and hear the witnesses
17 who would testify against you. And you'd even have a right to
18 testify yourself if you wish to do so, although I want to tell
19 you nobody can force you to do that. And if you did choose a
20 trial and you chose not to testify at the trial, the jury would
21 have to be instructed that they could not use that fact against
22 you in any way because you do not have to assist in the
23 prosecution of a case against you.

24 At the beginning of the case, if you decided to have
25 a trial and the jury was selected, the judge trying the case

1 would have to tell the jury that they would have to consider
2 you innocent. And they could not find you guilty unless and
3 until they were convinced by the government's evidence that
4 beyond a reasonable doubt you did commit this offense.

5 The jury -- the Judge would instruct them that after
6 they heard all the testimony in the case, if they were
7 convinced beyond a reasonable doubt, all of them, all 12 of the
8 jurors, if they were convinced beyond a reasonable doubt that
9 you did commit this offense they'd have the right to convict
10 you and find you guilty. If any one or more of the jurors was
11 not so convinced, then you could not be found guilty and the
12 Court -- the government would have to determine whether to try
13 you again or to give you another trial.

14 Now, if you plead guilty, on the other hand, which
15 you tell me you wish to do, you give up those rights and
16 there's no trial because there's no need for a trial, as long
17 as you admit that you did commit the offense. And also in your
18 case you've agreed, as I understand it, to be sentenced
19 immediately once you enter a plea of guilty.

20 So, I'm going to ask the Court Clerk here to swear
21 you in, Mr. Belle, and I'm going to ask you some questions
22 about yourself, and then I'll ask you if you understood all
23 these rights that you have and if you're giving them up of your
24 own accord. All right. Mr. Cleveland, will you swear in the
25 witness, please.

1 THE DEPUTY CLERK: Yes, sir. Please raise your right
2 hand to be sworn in.

3 DEFENDANT REGINALD BELLE,
4 called as a witness, having been duly sworn or affirmed
5 according to law, testified as follows:

6 THE DEPUTY CLERK: Will you please state your name
7 and spell it for the record, please.

8 DEFT. BELLE: Reginald Belle, R-E-G-I-N-A-L-D
9 B-E-L-L-E.

10 THE DEPUTY CLERK: Thank you.

11 THE COURT: All right. I'm going to ask you to keep
12 your voice up so that the stenographer can take down everything
13 you say and so that I can hear you too.

14 DEFT. BELLE: All right.

15 THE COURT: I want to tell you, Mr. Belle, initially
16 before I ask you some questions that the charge against you is
17 assault with a dangerous weapon. That carries a maximum
18 penalty with it of ten years of imprisonment, a fine of up to
19 \$250,000. It does not mean I have to impose that maximum, but
20 you should know that that's the maximum that you could possibly
21 be sentenced to. And I do want to repeat to you that I
22 understand that you've entered into a specific type of plea
23 agreement with the government where I will be imposing a
24 specific sentence upon you. But I wanted you to know that that
25 is the exact sentence that could possibly be imposed upon you

1 this morning.

2 And before I ask you some questions about yourself, I
3 also want to tell you that the United States Sentencing
4 Guidelines, which are in effect in this case, places upon the
5 offense that you committed a number of 14. And because you
6 stabbed the victim in this case with a 6-inch sharpened metal
7 weapon, four points are added to that because of the use of
8 that type of a weapon. And three more points are added because
9 the victim in this case sustained very severe bodily injury.
10 So the total number when you add the 14 and the 4 and the 3
11 that the United States Sentencing Guidelines gives to the crime
12 that you committed, the total number is 21.

13 And because you've acknowledged your guilt in this
14 case and you've admitted that you did commit this offense,
15 there are three points deducted from that in what's known as a
16 total offense level, the total number that's finally added --
17 or applied to your case to the offense that you committed is a
18 No. 18. And then we take that number and we try to look at
19 your background. That's -- this is what the probation office
20 did. And your background, as you know, is not very good, you
21 have committed certain other offenses.

22 And because -- especially the offense that you're now
23 serving time for, which was assault, destruction of property
24 and a murder too, according to the offense, the place where you
25 were convicted, you were sentenced to a term of 26 years to

1 life. And because of that conviction there are three points
2 added to your offense level -- or to your criminal history
3 level. So, you are now what's known as criminal history
4 category three, according to the probation office.

5 Now, that's a very important thing, because when you
6 take the total -- the total offense level, as I said, which is
7 an 18 in your case, and then you take the fact that you're a
8 criminal history category three, normally speaking, you would
9 be facing a sentence of somewhere between 33 and 41 months in
10 your case.

11 Now, I mention that to you, even though you've
12 entered an agreement, and which I intend to follow, to sentence
13 you to 21 -- or to 20 months of imprisonment added to the term
14 you're now serving.

15 It's something you should know and remember and
16 reflect upon, because it means in the future you're going to be
17 in even a worst category. And if you come before a Court
18 committing any other offense you'll be facing a very, very
19 serious sentence. Probably a sentence that will keep you in
20 prison for the rest of your life.

21 As I understand it, there's a possibility that when
22 you're about 44 years old you might get out of prison. But
23 it's important for you to know that you still have this record
24 now that reflects a bad-looking record upon you, and if you
25 were ever to appear in court again for committing any other

1 offense after you would get out of prison, or perhaps even when
2 you're still in prison, you'll be facing very serious time
3 added to the time you already have. So it's important for you
4 to know that and to think about that.

5 I know you have a pretty bad record, even since
6 you've been in prison, of being incorrigible and getting
7 yourself in trouble. Now, whether you agree or deny that,
8 that's a problem for you to think about, and I'm only
9 mentioning it to you for that purpose. And I don't know what's
10 going to happen after you serve your minimum term in this case,
11 where you've already been sentenced, but it's something for you
12 to think about, and whether or not you want to continue to lead
13 a life of getting in trouble, that's up to you.

14 I said to some of the people in my office this
15 morning who helped prepare the presentence report and who
16 helped me look at this case, that you've established for
17 yourself a very serious problem. And that is, most of your
18 friends are in at least as much bad trouble as you are. And we
19 usually go on guidance and direction from our friends. And I
20 suppose even after you would get out of prison, if you get out
21 of prison, the friends that you've established for yourself
22 would only be waiting to get you in more trouble.

23 Now, why do I tell you all that? I tell you that
24 because even if you serve the time that is now imposed upon
25 you, you'll be a relatively young man when you get out of

1 prison. And you should have a long life ahead of you. But
2 that's a decision that you have to make, as to whether that
3 life is going to be served in prison or as a free person. And
4 that's not going to be an easy choice, I'm not trying to say
5 that, but it's a choice you have to think about and it's
6 something you ought to mull over in your own mind to determine.

7 Let me ask you a few questions on this question of
8 pleading guilty. Tell me, Mr. Belle, how old are you today?

9 DEFT. BELLE: 34.

10 THE COURT: 34 years old. And before you went into
11 prison -- I understand you're in prison up in Canaan now.
12 Before you went into prison what was your last home address?

13 DEFT. BELLE: My last address?

14 THE COURT: Your last home address. My understanding
15 is you were kind of living on the streets for a while, but --

16 DEFT. BELLE: On the streets? Never.

17 THE COURT: You were living in Washington, D.C., is
18 that correct?

19 DEFT. BELLE: I've never been homeless. Yeah, I
20 lived in Washington, D.C. 30 -- 3050 Stanton Road, SE,
21 Washington D.C. 20012.

22 THE COURT: Washington, D.C.

23 DEFT. BELLE: Yeah.

24 THE COURT: Okay. Have you ever been married?

25 DEFT. BELLE: No, never.

1 THE COURT: Do you have any children?

2 DEFT. BELLE: No.

3 THE COURT: Before you got in this kind of trouble
4 what kind of an employment record did you have? Tell me, did
5 you ever do any work anywhere?

6 DEFT. BELLE: Never, never been employed.

7 THE COURT: How far did you go in school?

8 DEFT. BELLE: Until I was arrested on this case at
9 16.

10 THE COURT: And you have a GED as I understand it?

11 DEFT. BELLE: Yes.

12 THE COURT: And the records I have indicate you have
13 pretty good intelligence, you're a pretty smart person. That's
14 another thing you ought to think about in your own life, as to
15 what you want to do with yourself. As I understand it, you can
16 read and write the English language, am I correct on that?

17 DEFT. BELLE: Correct.

18 THE COURT: And are you able, in conjunction with
19 your lawyer Mr. Latella, read and write any documents that
20 would be important to you?

21 DEFT. BELLE: Yes, I can.

22 THE COURT: I know -- I know you've been in court
23 before. Have you ever gone through this process of entering a
24 plea of guilty before?

25 DEFT. BELLE: Never.

1 THE COURT: So this is the first time you've ever
2 done that?

3 DEFT. BELLE: Yes.

4 THE COURT: Now, Mr. Latella has been representing
5 you throughout this whole matter. Are you content with the
6 time and the effort that Mr. Latella has been able to spend
7 with you and explain the charges to you in this case?

8 DEFT. BELLE: Yes.

9 THE COURT: All right. I want to ask you something,
10 Mr. Belle, about your health. I know you're not a doctor, and
11 I don't mean in a medical way. But have you taken any drugs or
12 alcohol or any abuse like that in the last say 48 hours that
13 might interfere with your judgment today?

14 DEFT. BELLE: No.

15 THE COURT: Okay. Do you feel yourself mentally and
16 physically alert and well enough to go through with this
17 important matter this morning?

18 DEFT. BELLE: Yes.

19 THE COURT: All right. Did you know, Mr. Belle,
20 before you decided to plead guilty or during the course of your
21 pleading guilty that you had a right to have a lawyer
22 representing you throughout all of these matters?

23 DEFT. BELLE: Yes.

24 THE COURT: Did you know that you had -- that you
25 were presumed to be innocent and that you had a right to go to

1 trial rather than plead guilty?

2 DEFT. BELLE: Yes.

3 THE COURT: Did you know you had a right to come to
4 court here and pick a jury -- or help pick a jury if you
5 decided to have a jury trial?

6 DEFT. BELLE: Yes.

7 THE COURT: And did you know that throughout the
8 course of the trial that you'd have a right if you chose a
9 trial to see and hear all the witnesses who would appear either
10 for you or against you?

11 DEFT. BELLE: Yes.

12 THE COURT: And did know you had a right to examine
13 and cross-examine those witnesses?

14 DEFT. BELLE: Yes, I did.

15 THE COURT: And did you know you had a right to even
16 testify yourself if you wish to do so --

17 DEFT. BELLE: Yes.

18 THE COURT: -- and tell your side of the story?

19 DEFT. BELLE: Yes.

20 THE COURT: Okay. Has anybody at all, officials or
21 your lawyer or family or anybody, members, used any force or
22 threats against you to make you plead guilty in this case?

23 DEFT. BELLE: No.

24 THE COURT: Has anybody made any unusual promises to
25 you as to what might happen to you if you would be better off

1 here to plead or anything of that nature?

2 DEFT. BELLE: No.

3 THE COURT: And why are you entering a plea of
4 guilty? Tell me in your own words, why?

5 DEFT. BELLE: Well, actually, you know, besides
6 regretting my actions, I really think it's in my best interest
7 due to what I believe can be presented against me if I was to
8 choose to go to trial. I'm not in a position to take that risk
9 or chance and add more time to the time I'm already doing, even
10 though I have to plead to this, it's just not in my best
11 interest.

12 THE COURT: And is it true that you admit that you
13 did commit this offense?

14 DEFT. BELLE: Yes, that's correct.

15 THE COURT: Okay. I want to ask you another general
16 type of question. Did you have any confusion or anything in
17 your own mind, any questions you want to ask your lawyer or me
18 before I ask you how you plead to this information?

19 DEFT. BELLE: No. I'm --

20 THE COURT: All right then Mr. Belle, I want to tell
21 you that the information in this case charges that on or about
22 April 3, 2011, that you had a place within the jurisdiction of
23 this United States, namely, that while you were at the
24 Penitentiary at Canaan, Pennsylvania, that you knowingly and
25 intentionally assaulted another person with a dangerous weapon

1 with the intent to do bodily harm and without any just cause or
2 reason. And I want to ask you, how do you plead to that
3 charge?

4 DEFT. BELLE: I plead guilty.

5 THE COURT: You plead guilty?

6 DEFT. BELLE: Yes, sir.

7 THE COURT: All right. Now, Mr. Latella, you've had
8 a chance -- I realize you're not entering a plea, but I know
9 you've have a chance to go over this matter with your client.
10 And do you feel it's appropriate for him to enter a plea as I
11 just talked about?

12 MR. LATELLA: I do, your Honor.

13 THE COURT: All right. We'll accept your plea of
14 guilty to this charge as entered and I will proceed then to the
15 sentencing phase of this case, as we've agreed upon.

16 MR. GURGANUS: Judge, before we do that, can I just
17 have the defendant acknowledge a couple documents?

18 THE COURT: Sure.

19 MR. GURGANUS: First of all, sir, this is a Waiver of
20 Indictment form that you executed. Is that your Waiver of
21 Indictment?

22 DEFT. BELLE: Yes.

23 MR. GURGANUS: Did you fully understand that
24 document?

25 DEFT. BELLE: Yes.

1 MR. GURGANUS: You fully understood that you could
2 have had this case presented to a grand jury?

3 DEFT. BELLE: Yes.

4 MR. GURGANUS: And by waiving indictment it's as if
5 the grand jury returned the charges against you in this case?

6 DEFT. BELLE: Yes.

7 MR. GURGANUS: I will also show you a Defendant's
8 Acknowledgment of Rights Waived by Guilty Plea. It's a
9 four-page document. Did you read this document?

10 DEFT. BELLE: Yes.

11 MR. GURGANUS: Do you fully understand it?

12 DEFT. BELLE: Yes.

13 MR. GURGANUS: It went through many of the rights
14 that the Court just went through with you about what you're
15 waiving by pleading guilty. Do you understand that?

16 DEFT. BELLE: Yes.

17 MR. GURGANUS: It also goes through what the
18 recommended sentence is going to be?

19 DEFT. BELLE: Yes.

20 MR. GURGANUS: And you signed it?

21 DEFT. BELLE: Yes.

22 MR. GURGANUS: No questions about this document?

23 DEFT. BELLE: No, I understand it.

24 MR. GURGANUS: We'll file that also. And Judge, just
25 briefly for a factual basis, I would note that there would be

1 witnesses that would testify to the very facts that you just
2 set forth. And it included a video of the actual assault, and
3 I'd also note that in addition to correctional officers who
4 observed the assault, that the weapon was also recovered, and I
5 would just ask the defendant to acknowledge those facts and we
6 can prove those facts.

7 THE COURT: All right. Do you acknowledge that those
8 facts are correct and that you did -- you were involved in that
9 assault as Mr. Gurganus just described?

10 DEFT. BELLE: Yes.

11 THE COURT: All right. Thank you Mr. Gurganus. I
12 should have asked you to do that a minute ago.

13 MR. GURGANUS: That's fine.

14 THE COURT: And I will make this waiver of indictment
15 and the defendant's acknowledgment that you've just questioned
16 him on part of the record in this case.

17 MR. GURGANUS: Thank you, Judge.

18 THE COURT: Mr. Latella or Mr. Gurganus, is there any
19 other matter that I need to explore before we move to the
20 sentencing in this case?

21 MR. LATELLA: If your Honor would briefly before
22 sentencing -- the plea agreement does contain one paragraph
23 that we normally don't agree to. Your Honor explained the
24 provisions of the 11(c)(1)(C). But this particular plea
25 agreement also contains an appeal waiver. And I'll just put on

1 the record why we agreed to that. And the reason that we've
2 agreed to that was because the government had agreed to a
3 sentence that was roughly two levels below the guideline range.
4 But I believe Mr. Belle understands he has a right to appeal
5 and that he waives --

6 THE COURT: Is the statement that your counsel just
7 made on your behalf accurate Mr. Belle?

8 DEFT. BELLE: Yes, it is.

9 THE COURT: All right. Thank you. I was going to
10 look at that later, but I do appreciate you making that part of
11 the record, that there's a waiver of the plea -- of any appeal
12 for any sentence that is imposed in this case.

13 Now, Mr. Belle, I just want to mention a couple of
14 things about the sentencing in this case. I want to repeat, as
15 I said before, and your counsel have said, that this is a
16 special plea that's been entered into in this case by agreement
17 that you've entered into with the government under Federal Rule
18 of Criminal Procedure 11(c)(1)(C). And by virtue of that Rule
19 and by virtue of you entering into this agreement, it's an
20 agreement that the Court will impose a sentence upon you of 20
21 months to run consecutively to the sentence that you're
22 presently serving.

23 And I also understand that that plea agreement has
24 included in it a waiver or a giving up by you of any right to
25 appeal any sentence that's imposed this morning. Do you

1 understand all of that?

2 DEFT. BELLE: Yes.

3 THE COURT: And is that agreeable to you?

4 DEFT. BELLE: Yes.

5 THE COURT: Okay. Now, pursuant to that agreement
6 we had -- the probation officer in the Middle District of
7 Pennsylvania made this report to me, as I mentioned to you
8 before, and it gives me a history of your background and some
9 of the things you've been involved in over the course of your
10 life. I don't intend to go into that extremely long with you.
11 I know you've received a copy of it and I know you should be
12 well aware of those things yourself.

13 But I just want to bring to your mind that you're at
14 an age in your life now where you either make a decision on
15 your own that you're going to spend a lot of your life in jail
16 or in trouble with the authorities all of the time, unless you
17 make some significant changes in your life, but that's a matter
18 that's up to you. I know you came from what's traditionally
19 called a broken family, and you don't have much association
20 with family members as such.

21 As I mentioned to someone this morning, someone like
22 yourself, I realize that even deciding on who are your friends
23 is not the easiest thing in the world for you to do. And many
24 of your friends, from what I understand from the pretrial
25 report that's been made to me are in trouble themselves or

1 probably have more trouble than you did. I understand too that
2 you began -- experimenting is a word that's used
3 euphemistically -- you've been experimenting with drugs since
4 you're about 12 years old and got involved with using drugs
5 yourself over a long period of time.

6 Another thing that's a bad, bad matter in your
7 behalf, in your background, but more importantly whether it's
8 bad or good, it's up to you to make a determination as to
9 whether you're going to continue that. Some of the conduct
10 that you've been involved in even since you're in prison shows
11 that you find it hard to take orders and to follow the rules
12 and regulations.

13 And the fact that you'd even beat somebody else up in
14 prison is not a good thing at all and it's the cause of having
15 more time added to your sentence. I mention that again to you
16 not to berate you. You've got yourself in enough trouble
17 without any comment from me. But I mention it to you to say
18 that these are things that you should be aware of and go
19 through in your own mind to determine whether or not you're
20 moving in the right direction, or maybe you'd consider moving
21 in a different direction.

22 I think your counsel and the government working
23 together in this case have done a good thing for you in
24 reaching an agreement to impose a sentence that is considerably
25 below what is recommended by the United States Sentencing

1 Guidelines. But I intend to be bound by that because both the
2 government and you and your counsel have indicated to me, and
3 it was approved by the probation office, that apparently that's
4 a valid and a most appropriate sentence under all the
5 circumstances in your case. And so I'll be imposing a sentence
6 of you, imposing a sentence of 20 months upon you.

7 But there are some very specific matters about that
8 sentence that I want to mention to you as I impose a sentence
9 upon you this morning, and I ask you again to listen carefully
10 as I do that.

11 And prior to my reading and explaining to the exact
12 sentence, I want to ask the government if it has any comment on
13 sentencing, and I want to ask your counsel to do that. And Mr.
14 Gurganus, if you're ready and if you have any comments on
15 sentence or why the agreement was entered in this case, you can
16 proceed to do that, if you will, please.

17 MR. GURGANUS: Judge, also before you impose
18 sentence, just make sure the defendant has any opportunity he
19 wants to make any comment.

20 THE COURT: Yes, we give him that.

21 MR. GURGANUS: Judge, I would just note that on
22 suggestion that this would be the appropriate sentence, we're
23 moving that you impose that sentence. You indicated that you
24 will. I would note though that in addition to just this
25 imprisonment, that there are repercussions for him within the

1 bureau of prisons when you engage in this type of conduct. He
2 was probably locked into the special housing unit immediately
3 after, which is very restrictive type imprisonment. And
4 obviously this is going to be part of his record. We thought
5 it important to have this defendant convicted of this type
6 crime to try to deter others from engaging in it. But we also
7 recognize that he has a long way to go on his other sentence.
8 And for all the reasons, including to avoid the necessity of a
9 trial, we thought that giving him somewhat of a break,
10 recognizing that he is getting additional punishment within the
11 prison system, that it would be a reasonable sentence under all
12 the circumstances.

13 And we're also -- we're interested in obtaining an
14 appeal waiver and collateral attack waiver such that there
15 would be no other resources expended on this case. That's all
16 I have, Judge.

17 THE COURT: All right. Thank you very much. Mr.
18 Latella, if you have any comment on sentence you can proceed.

19 MR. LATELLA: Your Honor, briefly, I would reiterate
20 much of what your Honor had already said, is Reggie came into
21 the system when he was 16 years old. He was in tenth grade.
22 He was doing incredibly well. The record shows that he was
23 bright and had a lot of potential and talent.

24 Then at age 16, from that point on he's been in
25 prison. And unfortunately, those who mentored him and who have

1 befriended him were folks that he met in federal
2 penitentiaries. And Reggie understands that he has a lot of
3 growth ahead of him. But he's a very bright young man and he
4 wants to make those efforts. He's studying. He achieved his
5 GED. And unfortunately had this little setback. But I think
6 it's something that he could move on from.

7 THE COURT: All right. Thank you Mr. Latella. Mr.
8 Belle, it's not mandatory, but if you wish to make any comment
9 about this sentence or anything else you wish to comment on or
10 any questions, you can proceed to do that, if you will, please.

11 DEFT. BELLE: No comment.

12 THE COURT: All right, sir. You're presently serving
13 time up in Canaan on a sentence that was imposed upon you by
14 the Superior Court of the District of Columbia, is that
15 correct?

16 DEFT. BELLE: Yes.

17 THE COURT: All right. Well, I want you to listen
18 carefully as I announce to you, Mr. Belle, the sentence that's
19 to be imposed upon you here this morning.

20 Pursuant to the various acts that give the authority
21 to this Court, and particularly the Reform Sentencing Act of
22 1984, it's the sentence of this Court, Mr. Belle, that you be
23 committed to the custody of the Bureau of Prisons for a term of
24 20 months. And this term of imprisonment of 20 months which I
25 impose upon you this morning, I make as part of this sentence

1 that it run consecutively or that it be added to your
2 imprisonment which was imposed upon you by the Superior Court
3 of the District of Columbia. And that was imposed to Docket
4 No. F-8604-94B-E and G and H and I, all of the docket numbers
5 of the Superior Court of the District of Columbia.

6 I further order as part of this sentence Mr. Belle
7 that you pay to the clerk of the United States Courts here in
8 the Middle District of Pennsylvania a special assessment of
9 \$100, which follows a conviction for your plea on this case as
10 you've entered here.

11 I further find Mr. Belle that as a result of my
12 reviewing the presentence report in this case, that you
13 apparently do not have the ability to pay a fine and I will not
14 be imposing a fine as part of this sentence.

15 I further make it part of this sentence, Mr. Belle,
16 that upon release from your imprisonment that you should be
17 placed upon supervised release for a term of two years. And
18 within 72 hours after you're released from prison you should
19 report to the probation office in the district where you are
20 released to begin serving that sentence of supervised release.

21 I further tell you, Mr. Belle, that while you're on
22 supervised release that you must as a result of your entering a
23 plea, and I make it part of this sentence that you cooperate in
24 the collection of a DNA sample.

25 I further make it part of this sentence that you

1 submit to at least one drug test within 15 days after the date
2 of your release from prison.

3 I further make it part of this sentence, No. 3, that
4 while you're on supervised release that you shall undergo a
5 substance abuse evaluation, and if it's recommended by the
6 probation department that you complete a program, either
7 inpatient or outpatient treatment for your substance abuse.

8 I want to tell you then, Mr. Belle, that the total of
9 this sentence is that you be sentenced to 20 months of
10 imprisonment, in addition to or consecutive to the sentence
11 that you're already serving that was imposed upon you by the
12 Superior Court of the District of Columbia. That you pay an
13 assessment of \$100. That there be no fine imposed upon you.
14 And that upon release from imprisonment you be placed on
15 supervised release for a period of two years.

16 I want to tell you, even though you have issued and
17 signed and stated in Court that you gave up your right to
18 appeal, that normally you do have a right to appeal from any
19 sentence that's imposed upon you if you find that the plea was
20 somehow improperly entered or the sentence was incorrect in
21 some way.

22 You do have a statutory right to appeal. You have
23 waived that or given up that right to appeal. But I want to
24 tell you that there are some courts that are still looking at
25 those matters, and if you decide to appeal you have to do it

1 within 14 days from this date. And you'll have the right to
2 have a lawyer represent you without any cost to you. And if
3 you feel you cannot afford the cost of a lawyer to help you on
4 the appeal you have a right to ask the Court to appoint
5 counsel, and the Court will appoint counsel to assist you at no
6 cost to you.

7 So that's the totality of the sentence that's imposed
8 this morning. Is there anything else Mr. Latella that you wish
9 to cover this morning?

10 MR. LATELLA: No, your Honor. Your Honor, I'm
11 certain that the marshals would want to return him to Canaan as
12 quickly as possible. I just wanted to communicate Mr. Belle's
13 desire to be returned as quickly as he could.

14 THE COURT: All right. We'll so order that that be
15 done as soon as possible by the United States Marshal. Mr.
16 Gurganus, anything?

17 MR. GURGANUS: No other matters Judge. Thank you.

18 THE COURT: All right. Thank you all very much this
19 morning. The defendant is remanded and the court is adjourned.

20 (11:40 a.m., court adjourned.)
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REPORTER'S CERTIFICATE

I, DIANA L. GILBRIDE, Official Court Reporter for the United States District Court for the Middle District of Pennsylvania, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the within-mentioned proceedings had in the above-mentioned and numbered cause on the date or dates hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my supervision.

/s/ Diana L. Gilbride
Diana L. Gilbride, RMR, FCRR
Official Court Reporter

REPORTED BY:

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